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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/935,756	08/21/2001	Allan B. Lamkin	71714	8902

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EXAMINER

BAYERL, RAYMOND J

ART UNIT	PAPER NUMBER
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2173

DATE MAILED: 07/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/935,756

Applicant(s)

LAMKIN ET AL.

Examiner

Raymond J. Bayerl

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 - 10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 May 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9 sheets</u> . | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2173

1. The disclosure is objected to because of applicant's inclusion of the reference material regarding commands, properties, etc., at page 51 – 213 of a specification that applicant would have print as a patent.

The material is unneeded for essential support of the claimed invention (and indeed, it has no correspondence to the figures as in the first 51 pages), and it needlessly distracts the reader from that which is essential. The proposed inclusion has the appearance of an appendix (e.g., source code, supplemental documentation, etc.) to be printed in a patent, in which case it exceeds the acceptable limit of 300 lines that is established in 37 CFR 1.96(b). The Examiner suggests that this directory of reference material be incorporated instead as a microfiche or electronic appendix, such as a compact disc submission.

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mobini et al. ("Mobini"; US #6,564,255 B1) in view of Roberts et al. ("Roberts"; US #5,987,525) and Wolzien ("Wolzien"; US #6,233,736 B1).

As per independent claim 1's "system" that coordinates between "a network" and "a removable media", Mobini, in ENABLING INTERNET ACCESS WITH DVD BITSTREAM CONTENT, uses an interactive DVD browser for read-only discs, and is capable of accessing remotely located data over the Internet (Abstract). This will provide access to a multitude of additional sources of presentation and navigation data (col 2, lines 52 – 61).

Mobini, besides disclosing basic “computing device” items such as “a network”, “display” and “storage device” (see fig 1), also teaches a “browser having a presentation engine” (DVD Presentation Engine 210, fig 4), an “application programming interface” (the computer 206 includes a driver, not shown, for enabling the operating system in the computer 206 to control and exchange information with the drive 204, along with a control and playback program; col 5, lines 8 - 20), “a decoder” (decompression and decoding routines; col 5, lines 21 – 29) and “a navigator” (DVD Navigation Engine 208, fig 4).

While Mobini satisfies the part of “said navigator facilitating user **and** network-originated control of the playback of said removable media” (claim as amended) that is “user” “-originated” (by means of the DVD Navigation Engine), Mobini does not **explicitly** teach “network-originated control of the playback of said removable media”.

However, in Roberts’ NETWORK DELIVERY OF INTERACTIVE ENTERTAINMENT SYNCHRONIZED TO PLAYBACK OF AUDIO RECORDINGS, where a script stored on the remote computer accessed over the network is downloaded (Abstract), software is provided which permits a computer program running on a remote host to control a compact disk (CD) player, DVD player, or the like on a user’s computer (col 1, line 66 – col 2, line 12). Roberts teaches a command plug-in, which provides to a scripting language the ability to command in a detailed fashion the playing of a musical recording (col 3, line 61 – col 4, line 11). Thus, Roberts specifically teaches that a “navigator” (e.g., the browser; col 3, lines 15 – 26) is equipped for “network-originated control of the playback of said removable media”.

It would therefore have been obvious to a person having ordinary skill in the art at the time of applicant's invention to give the "navigator" of Mobini the additional ability to respond to "network-originated control" for the "playback of said removable media", so as to enhance the user's experience with the Mobini Navigation Engine by permitting it to operate in conjunction with Roberts' script. Motivation lies in Mobini, where the user's access to the DVD would respond favorably to this form of extended control in view of Internet accesses that the system initiates.

The Mobini/Roberts combination, while showing this much to read on applicant's claims, is still limited to Mobini's form of alternative presentation operations when it comes to sourcing the display data from a DVD versus HTML Source, as seen in fig 4, and thus the combination does not **explicitly** teach "combining said network content with said media content", so that the "presentation engine" might display "said combined network content and media content on said display".

However, Wolzien's MEDIA ONLINE SERVICE ACCESS, in which an online information services provider is connected via an address embedded in a video or audio program that can originate from pre-recorded media (Abstract), uses an access controller 10 by which Information signals received from an online information provider may be displayed as still or moving images in place of the ordinarily displayed video signal...or may be displayed as part of a "picture within picture" display (col 7, line 43 – col 8, line 5).

Thus, it would have been further obvious to the person having ordinary skill in the art at the time of applicant's invention to implement the "browser", "application

Art Unit: 2173

programming interface" and "navigator" as set forth in Mobini in view of Roberts, but with a "combined" presentation of "network" and "media content" as seen in Wolzien, so as to better integrate the overall viewing experience. Motivation for the modification of Mobini/Roberts resides in the indication that separate presentation and navigation must be used for DVD and non-DVD sources (and Roberts' teaching of a generalized playback of a DVD along with browser), a changeover problem that would be resolved with the common display of Wolzien.

4. Claims 2 – 8, 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mobini in view of Roberts and Kelly et al. ("Kelly"; US #5,907,322).

Independent claim 2's "media services interface" centers more upon the "handler" components that execute "commands" related to "extraction of information from a readable medium". In certain ways, the control and playback program taught by Mobini reads upon the claim, when combined with Roberts to permit "commands extracted from network-originated content to control playback of removable readable medium" (as per the amendment). In the prior art dual-source arrangement, "a command handler" is needed to execute Mobini's DVD and non-DVD commands as needed, and some indication of ongoing "properties" and "state of a system attribute" must be maintained in order to keep the sequence of operations proper, just as an incoming "event" must be properly handled. The browsing arrangement works in accordance with an ongoing "state" as would be found via "a query", and is subject to the receipt of "event" occurrences.

Where claim 2 substantially differs from Mobini/Roberts is in the matter of “a cookie manager...for preserving information for later recall”, so as to augment the operation of “a navigator state module”. However, in Kelly’s TELEVISION EVENT MARKING SYSTEM, where associated internet locations or website hotlinks can be matched with TV broadcast events (Abstract), viewer identifying data, such as particular demographic data, for example, the postal code of the viewer’s location (col 3, lines 4 – 10) are developed. This identification of a viewer in Kelly is “for later recall” when the internet locations are accessed, and provide contextual information to the server in a style that reads upon the operation of a “cookie”.

Thus, it would also have been obvious to the person having ordinary skill in the art to expand the variety of “system attribute” values maintained by a “property handler” of the kind generally inherent in Mobini/Roberts, by using Kelly’s viewer identifying data to present a “cookie” of information, because this also improves the user’s viewing and/or web-browsing experience, via the “navigator state module” that must be in place in Mobini/Roberts to conduct proper “information extraction from said readable medium”.

The “bookmark manager” of claim 3 is a central feature of Kelly’s activating select button 15 to bookmark a particular broadcast event (col 2, lines 41 – 65). This is a marking of “a position in an information stream”, and in combination with Mobini/Roberts, it can be “extracted from said readable medium”. When a “command configured to retrieve a stored bookmark” (claim 5) is received in Kelly, “a return to a position” then takes place.

Claim 4's addition of the retrieval of "medium identifier comprising information unique to said readable medium" follows as being inherent in a system like Kelly's modification of Mobini/Roberts, where to reach the proper place, it must be uniquely specified and accessible as thus. This will form the basis of operations for claim 10's "identifier engine".

The "command for connecting to a network" (claim 6) and for "closing a previously established connection" (claim 7) are to be expected in a video/computing arrangement like any of Mobini, Roberts or Kelly, where connections are only established as needed.

The "property indicating the type of ROM data" (claim 8) is suggested by Kelly, in the same manner as is the "medium identifier"—when placing a "bookmark" in a stream, Kelly needs a reference to where the data can be found, and this will extent to specification of storage type in a diversely-sourced arrangement like Mobini or Roberts.

5. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mobini in view of Roberts, Kelly and Wolzien.

Mobini, Roberts and Kelly, while teaching the joint access of local and remote resources, do not **explicitly** set forth a suggestion that "a code routine for ascertaining the full screen mode state of said screen" is provided. However, Wolzien, as noted above, operates either in a full-screen or "picture within picture" mode, and thus need to have an indication of which mode is in place, to obtain a proper display.

It would therefore have been additionally obvious to the person having ordinary skill to have a "code routine" that ascertains the screen mode as must be accounted for

Art Unit: 2173

in Wolzien in the combined Mobini/Roberts/Kelly “state”-managing “interface”, so that the combined display can properly appear. Motivation lies in all of Mobini, Roberts and Kelly, where proper screen presentation will serve to enhance the user’s overall experience.

6. Applicant’s arguments filed 16 May 2005 have been fully considered but they are not persuasive.

Concerning the material at pages 51 – 213, applicant traversal of the objection argues (page 10) that they “provide some additional support and/or clarification for the invention”. However, this material remains in the form resembling an appendix, and as such, does not form a part of the ordinary running text of the specification. 37 CFR 1.96 has guidelines on the presentation of appendix material, and the proposed pages 51 – 213 are not of the form that would be printed as a patent.

As per applicant’s arguments (as at page 11) that “[n]either the Mobini nor the Wolzien references teach or suggest facilitating both user and network originated control”, please note that this amendatory inclusion has been addressed above by the new grounds of rejection that include Roberts.

Applicant traverses the rejection of claims 2 – 8, 10 in additional part by noting that “the Examiner generally refers to the Mobini patent stating that ‘[I]n certain ways’ the Mobini patent must teach all of the elements claimed without providing specific support for the assumptions.” However, it is initially noted that Mobini is not relied upon to show “all of the elements claimed”, with Roberts and Kelly also involved to show command extraction “from network-originated content” (Roberts) and “a cookie

Art Unit: 2173

manager” (Kelly). But more importantly, contrary to applicant’s assertion that “the Examiner fails to show how the Mobini patent teaches ‘a navigator state module operably coupled to said command handler, said properties handler, said event generator, and said cookie manager...”, the “state of a system attribute” is of paramount importance in guiding the “state” of resource access in the Mobini navigation arrangement. Also, the handling of “system events” is an inherent requirement in responding to the user. When coupled with the “cookie manager” suggested by Kelly, these components are essential to the proper operation of the overall system, and thus must be “operably coupled” within the system, when this phrase is given a reasonably broad interpretation to mean that there is functional interconnection that creates a single navigational control arrangement.

7. Applicant’s amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

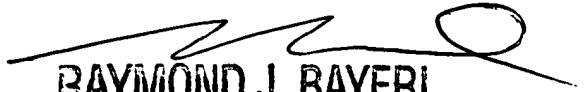
Art Unit: 2173

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond J. Bayerl whose telephone number is (571) 272-4045. The examiner can normally be reached on M - Th from 9:00 AM to 4:00 PM ET.

9. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca, can be reached on (571) 272-4048. All patent application related correspondence transmitted by FAX **must be directed** to the central FAX number (571) 273-8300.

10. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2100.


RAYMOND J. BAYERL
PRIMARY EXAMINER
ART UNIT 2173

21 July 2005

Page 16 of 18
 Appln. No. 09/935,756
 Amendment A

REPLACEMENT SHEET

6/15

Approved
 RB
 20 July 2005

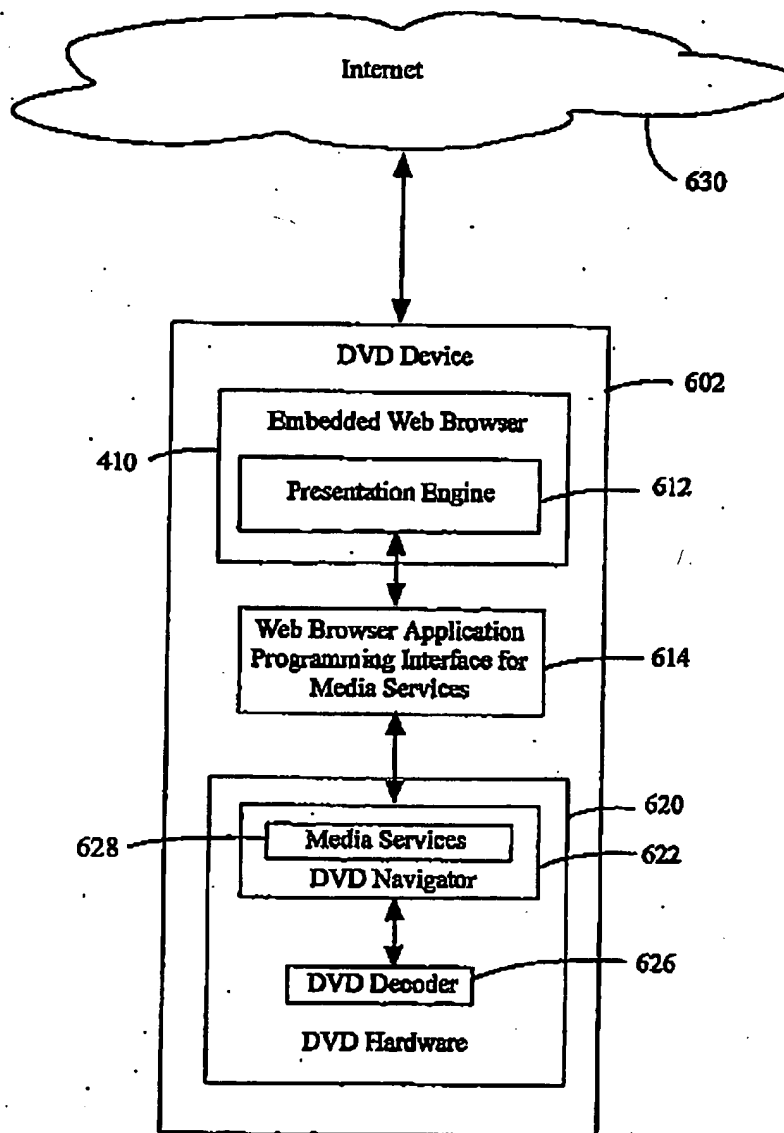


Fig. 6

Page 17 of 18
Appln. No. 09/935,756
Amendment A

REPLACEMENT SHEET

7/15

